

# North Slope Borough

## OFFICE OF THE MAYOR

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*Edward S. Itta, Mayor*



December 22, 2008

Randy Bates  
Director  
Division of Coastal and Ocean Management  
Department of Natural Resources  
P.O. Box 111030  
Juneau, Alaska 99811-1030

FACSIMILE: (907) 465-3075

Re: ACMP Reevaluation Proposed Statutes and Regulations

Dear Mr. Bates,

The Department of Natural Resources (DNR), Division of Coastal and Ocean Management (DCOM) is soliciting input on the Alaska Coastal Management Program (ACMP) proposed changes to statutes (AS 46.39 and 46.40) and regulations (11 AAC 110, 112, and 114). The North Slope Borough (Borough) appreciates the opportunity to provide the following comments and recommendations.

The Borough provided extensive written comments in August following the initiation of this ACMP Reevaluation effort in July. Members of my staff participated in the Stakeholder Working Group meetings in September and October, and in the 2-1/2 day public workshop December 8-10. I am aware of DCOM's reasons for altering the initially published Reevaluation schedule, and for an extremely constricted public review process associated with this package of proposed statutes and regulations. I share your goal of seeking a remedy in the upcoming legislative session for the great damage that has been done in recent years to this critically important state program. I do not understand, however, and think counterproductive, DCOM's unwillingness to provide either a full written response to the comments it received by the August deadline, or any clear written explanation of the legal and policy bases underlying the choices reflected in the recent proposal. If, as you stated at the December 8 meeting, the likelihood of success in the

Legislature depends on either simplicity or consensus with respect to the bill introduced, DCOM's unwillingness or inability to fully engage with other stakeholders, and especially with the local coastal districts, greatly increases the potential for failure. None of us want that.

In matters relating to the overall structure of the ACMP, simplicity in legislation is not an option. The best remaining chance for anything approaching a consensus among the State Administration and the local coastal districts that represent some two-thirds of Alaska's residents is, in our view of course, for DCOM to abandon some of the most troubling and confusing elements of its November 24 proposal, and support an ACMP structure more in line with that sought by the districts. Given the tight timeframe available, a line-by-line critique of DCOM's proposal does not seem worthwhile at this point. A review approaching that level of rigor was conducted at the December 8-10 meetings. Participants were told, however, that their statements would not be considered official comments for purposes of this review. It is disappointing that except for some as yet unavailable summary notes of the discussions, widely held positions and persuasive arguments against certain elements of the proposal, and in favor of alternative approaches, have been lost to the record. Still, I know you were advised by members of my staff and other participants that failure to respond to criticisms, suggestions, and other open, frank, and valuable input offered at the meetings would render the challenges of finding consensus all the more daunting.

As requested in my letter to DNR Commissioner Irwin prior to the December meetings, as well as in correspondence from other coastal districts, DCOM must join the districts in laying all its cards on the table before a legislative package is prepared for submission in January. Despite your receipt of 39 comment letters during the initial reevaluation comment period, the many days of meetings going back to late July, several letters and other correspondence on the subject, and scores of other contacts with DNR officials and staff, districts have only the proposed statutes and regulations as evidence of the State's attention, or lack of it, to their input and concerns. In many cases, the DCOM approach to resolution of certain issues as reflected in the proposal is contrary to input of many of the districts. In other cases, input seems to have been simply ignored, and issues have not been addressed. I understand the constraints you personally are under, and that you have not been given the authority to commit to any particular course of action on behalf of the Administration. It is unfortunate that with a few brief exceptions, those with decision making authority have opted not to engage in open and frank discussion with the districts and other stakeholders. We have asked for some statement of the Administration's philosophy with respect to the ACMP for several months. We have also asked that DCOM provide formal responses to our input and those of other stakeholders, including the Alaska Coastal District Association.

To date, on the central point, or "million dollar question" as you have characterized it, of to what extent and on what subjects districts can have local enforceable policies, we have only recently heard offered some vague reference to a significant legal constraint that prevents the State from allowing districts to play even the role we were allowed to play

before the 2003 ACMP amendments. Perhaps most troubling about DCOM's current stance regarding the central issue of restoring a greater role in the program for coastal districts through their adoption and implementation of local enforceable policies has been your reliance upon this clearly flawed legal analysis. You indicated in remarks to the Petroleum News on December 8 concerning the more expansive role of districts under the former ACMP that "DCOM has determined that the method of implementation was probably unconstitutional and illegal because of issues relating to the separation of powers between the legislative and executive branches of government." As was discussed at some length during the recent public meetings, we strongly disagree with that conclusion. We have asked for, but not yet received, a more detailed written explanation of DCOM's position. It is one thing to go to the Legislature with a proposal that greatly restricts the ability of districts to adopt local policies because you believe legally you can do nothing else. It is quite another thing to restrict the role of local communities in the program as a matter of choice.

If the State moves forward with a submission that limits the role of local communities as does the current proposal, those communities and the Legislature must have clarity as to the whether the decision was made as a matter of legality or of this Administration's policy. It is my sense that a bill embodying a narrow role for local communities in the program will not have the backing of the districts if there remains the perception that it is based on a faulty legal premise. It certainly would also not gain district support if it becomes clear that a more expansive local role would be legally permissible, but was rejected as a policy choice. Given that our ultimate success in revising and improving the ACMP depends largely on our ability to come together around major program elements, I strongly urge DCOM and the Administration to meet again with district representatives after the close of this comment period, but before a final legislative package is prepared, to frankly discuss any outstanding issues and assess the potential for our presenting anything approaching a unified front in the Legislature.

We believe that neither the Alaska Constitution, nor any concept of separation of powers as it has been described in this context prevents DCOM from seeking, or the Legislature from granting to the agency the authority to approve district enforceable policies that are not duplicative or contrary to state or federal law. We believe that while the Administration and Legislature certainly do recognize Alaska's unique and diverse coastal values, they must also recognize the unique structure of the federal coastal management program. The federal Coastal Zone Management Act envisions a sharing of authority among federal, state, and local levels of government. Alaska's voluntary participation in the national program was intended both to provide the State with greater influence over federal activities and to empower local communities to directly shape development in their coastal areas. Providing to the diverse local coastal communities throughout the state some reasonable measure of influence over development in their areas through the ACMP is also in keeping with the Alaska Constitution's dual mandates of maximum local governance and utilization of resources to meet the needs of all Alaskans. There is no reason to fear the exercise of this limited authority by local communities, and every reason to expect that better decisions regarding development will

be made when local engagement and the application of local expertise and knowledge occurs through a predictable permitting structure rather than through the courts.

For all the reasons you have heard recently and over the past several years, it simply makes good sense, economically, socially, culturally, and politically, for the state to decentralize the ACMP. In the first place, it has been the oft-repeated refrain of this governor and all previous Alaskan governors that we do things differently up here, that we ought not be told how to do things by remote decision makers in Washington, D.C. or elsewhere who have no grasp of the special conditions and needs that exist here, and that decisions are best made at the local level. There is absolutely no reason why that same reasoning should not be adopted within a state as vast and diverse as ours.

In short, the Borough and other districts believe that the State can and should seek legislative approval of an ACMP that allows districts to adopt local enforceable policies that address any coastal use or resource, allows, with appropriate sideboards, those policies to be stricter or more specific than existing state or federal statute or regulations, and reconstitutes a coastal policy council or board consisting of public and agency members that would oversee program changes and implementation, district plan approvals, and consistency review appeals.

Once we collectively get beyond the legal issue, as we believe we can, it is the strong position of the Borough and other districts that the basic elements of the ACMP that we have proposed and discussed most recently at the December meetings are, as compared with the DCOM proposal, more clear, require less strained interpretation, provide more predictability for all parties, embody no novel or untried concepts, are legally supportable, and, importantly, likely to be seen as reasonable by the Legislature.

These elements include the following:

- A clear statement that districts can write and DCOM can approve meaningful local enforceable policies (AS 46.40.070 and .030)
- Establishment of a coastal policy board with ultimate responsibility for approval of district plans, changes to ACMP regulations, and funding programs
- Addition of the word "routine" to the reference to the A and B Lists in AS 46.40.096(m)
- As proposed by DCOM, elimination of the DEC carve-out
- Amendment of the definition of "coastal resources and uses" to correspond to the federal definition (AS 46.40.210)
- Removal of the exemption for oil spill contingency plans, air permits, and solid waste from the scope of an ACMP review in 11 AAC 110.020 (address this issue by clarifying in regulation that a draft permit is not needed for these permits when a review begins)
- Multiple resource agency involvement in elevation decisions (AS 46.40.096(d)) as proposed by DCOM

- Amendment of the Habitats Standard (11 AAC 110.300), standardizing language to ensure that each habitat type includes protections for habitat, and elimination of the “3-part test” unless a “maintain or enhance” or alternate threshold criterion is added
- Addition of “subsistence” to the ACMP objectives in AS 46.40.020 as a strong recognition of the critical importance of such use throughout the State
- Addition of language to AS 46.40.096(g) regarding an “aspect” of an activity as proposed by DCOM
- Addition of a specific reference to seismic survey activities to AS 46.40.096(l)
- Addition of exemptions to the 90-day timeline for reviews in AS 46.40.096(o)
- As proposed by DCOM, elimination of mandatory plan revisions every 10 years
- As proposed by DCOM, elimination of the exemption of coal bed methane projects from review
- Addition of clear requirement that each federal OCS oil and gas lease sale must undergo a separate coastal consistency review.

## **RECOMMENDATIONS**

We offer the following recommendations with respect to select issues, recognizing that many are inter-related, and that choices regarding one issue are often contingent upon a complimentary choice regarding other issues. It is our hope that DCOM will continue to work with us after the close of this comment period to refine proposed statutory language that addresses all of the points we have raised generally above, and the few we have more specifically described below.

### **Creation of a Coastal Policy Board**

The Borough, as well as other districts and stakeholders, strongly believes that the ACMP would greatly benefit from the reconstitution of an oversight body similar to the former Coastal Policy Council (CPC) that was dissolved in 2003. If, as is proposed, DNR would retain oversight of the ACMP, and if, as proposed, the opportunity for mediation is eliminated, the current perception among many stakeholders that there is a pro-development bias in the program would be further heightened.

We propose that a new Coastal Policy Board (CPB) be created that would serve the primary functions of approving program regulations, district plans, and funding structures, and, under certain conditions, hearing appeals of individual project consistency reviews. We acknowledge that there were some problems with the functioning of the CPC. It was too large at nine public and five state agency members. Much was asked of public members, who were required to be elected officials, in terms of demands on their time and a need on occasion to be available on short notice for sometimes highly technical reviews. The former petition/appeal process was on rare occasions abused by third parties seeking only to delay projects.

We propose that the CPB be composed of nine members. Four would be state agency commissioners, while five would be nominated by the districts and need not be elected officials. Four of the five would represent the four district regions utilized by DCOM for purposes of selecting representatives to serve on the ACMP Working Group. One would be selected at-large. It is anticipated that districts would nominate prospective members with program experience and expertise. As compared with the commissioner, agency, and legislative oversight and approval processes now proposed, this CPB proposal offers an oversight structure that is more familiar, would seem to more transparently balance the interests of program participants, and significantly, would eliminate what could potentially be a substantial burden on legislative schedules already strained by the recently shortened session.

Just to be clear on this point regarding necessary balance in the program, if DNR opts not to accept the reasonable suggestion that a CPB or like entity be created, the present opportunity for mediation must not be eliminated as currently proposed by DCOM. We in fact suggest that mediation should remain an option to be employed at the discretion of districts or DNR whether or not a board is created. It is another check on any potential bias or unduly narrow interpretation of district plan approval criteria by DNR. We see value in retaining the process, despite dissatisfaction with our recent mediation, but only if some independent level of review and decision making authority exists outside of the department and following the mediation. Without such review, and with perhaps limited opportunity for judicial review of specific points raised during mediation, there is little incentive for DCOM to concede anything during the process. Where the parties know that there will be a later review of unresolved matters, we suspect that mediation may provide an additional opportunity for meaningful discussion and action by and between district and DCOM staff over disputed plan policies. It may, as ours did, prove costly and time consuming, but certainly less so than judicial action.

### **District Plan Enforceable Policies**

A primary goal of the Borough in this reevaluation is reestablishment of the ability of coastal districts to develop meaningful enforceable policies. The ACMP should be amended to allow districts to establish policies for any matter and to any degree that is not specifically preempted by or in conflict with state or federal law. We believe that current limitations on the ability of districts to adopt meaningful policies are contrary to the intent and objectives of the Alaska Coastal Management Act, and will not be remedied by the DCOM proposal.

As Alaskans who value the qualities that make this state special, those of us who represent our diverse coastal districts firmly believe that a vibrant economy, thriving communities, and a healthy environment can and must coexist. We are not anti-development. We seek a balance that works for our residents, and believe that the best way to achieve that balance and reduce conflict in the implementation of the ACMP is through a true state-district partnership.

DCOM's proposed statutory changes will not restore the balance we seek. With the assumption that the State's legal concerns can be overcome, we suggest the different approach embodied in the following proposed statutory language.

***Sec. 46.40.030 Development of district coastal management plans.***

*(a) Coastal resource districts shall develop and adopt district coastal management plans in accordance with the provisions of this chapter. The plan adopted by a coastal resource district shall be based upon a municipality's existing comprehensive plan or a new comprehensive resource use plan or comprehensive statement of needs, policies, objectives, and standards governing the use of resources within the coastal area of the district. The plan must meet the district plan criteria adopted under AS 46.40.040 and must include*

*(1) a delineation within the district of the boundaries of the coastal area subject to the district coastal management plan;*

*(2) a statement, list, or definition of the land and water uses and activities subject to the district coastal management plan;*

*(3) a statement of policies to be applied to the land and water uses subject to the district coastal management plan;*

*(4) and a designation of any special management areas within the district coastal management plan, and a statement of the policies that will be applicable within such special management areas.*

*(b) In developing enforceable policies in its coastal management plan under (a) of this section, a coastal resource district shall ensure that the enforceable policies*

*(1) whether prescriptive or performance-based, are clear and concise as to the activities and persons affected by the policies and the requirements of the policies;*

*(2) if stricter or more specific than state or federal statutes or regulations, are necessary given local conditions and are supported by scientific evidence or contemporary or traditional local knowledge that justifies such measures.*

***Sec. 46.40.070. Requirements for department review and approval.***

*The Coastal Policy Board shall approve a district coastal management plan submitted for review and approval if*

*(1) the district coastal management plan meets the requirements of this chapter and the district plan criteria adopted by the Board; and*

*(2) the enforceable policies of the district coastal management plan*

*(A) do not duplicate, restate, or incorporate by reference, state or federal statutes or regulations;*

*(B) are not preempted by state or federal statutes or regulations; and*

*(C) do not arbitrarily or unreasonably restrict a use of state concern.*

***46.40.210 Definitions***

*(3) "coastal use or resource" means a land or water use or natural resource of the coastal zone. Land and water uses include, but are not limited to, subsistence, recreation, public access, fishing, historic or cultural preservation, development, hazards management, marinas and floodplain management, scenic and aesthetic enjoyment, and resource enhancement or restoration projects. Natural resources include biological or physical resources found in the coastal zone on a regular or cyclical basis. Biological*

*and physical resources include, but are not limited to, air, tidal and nontidal wetlands, ocean waters, estuaries, rivers, streams, lakes, aquifers, submerged aquatic vegetation, land, plants, trees, minerals, fish, shellfish, invertebrates, amphibians, birds, mammals, reptiles, resident human populations, and coastal resources of national significance.*

*(13)"preempt" under state law means a local law or regulation is prohibited, either by express legislative direction, direct conflict with a state statute, or where a local law or regulation substantially interferes with the effective functioning of a state statute or regulation or its underlying purpose. Under federal law "preempt" means a local law or regulation is prohibited either because Congress expressly declares that local law or regulation is preempted, Congress demonstrates the intent to occupy the field exclusively, or there is an actual conflict between federal law and local law or regulation.*

Here again, we believe that this statutory language represents a reasonable means of achieving the balance needed in the ACMP. It carries the unique shared authority construct of the federal coastal zone management program down to the local level. It is in keeping with the Alaska Constitutional mandate that there be maximum local governance, and simply makes sense given the unique conditions and diverse community needs across the state. Importantly as well, we believe that the Legislature will acknowledge the wisdom of providing for a reasonable measure of local influence over development in the state's coastal zone. Legislators need only look to their own constituents and recognize that no one possesses more local knowledge or can speak to what is best for any single region of the state better than the leaders and residents who live and work in that region.

### **District Plan Approval Process**

We understand the reluctance of DNR to relinquish oversight of the ACMP, and the potential for any perceived concerns over implementation to follow the program to whatever agency houses it. That being said, I believe we share a desire to streamline the district plan approval process, while ensuring that it requires checks, balances, and accountability.

DCOM has proposed eliminating the opportunity for mediation that exists under the current program. We would support that action, recognizing that mediation can only succeed if both parties enter it willing to compromise, and having seen little compromise from DCOM during our recent attempt at a plan revision.

DCOM has also proposed the inclusion of additional processes available to districts upon the agency's disapproval of all or a portion of a district plan. Districts may seek reconsideration of the decision, seek formal written approval from affected state or federal agencies when specific proposed enforceable policies are deemed to tread upon the "authority" of those agencies, or seek legislative approval for disapproved policies.



For the many reasons discussed at the recent meetings, it can at best be said that it is purely speculative whether these processes would be likely to produce positive results for the districts. It seems far more likely that they would not only rarely produce positive results, but would also overwhelm both the Commissioner and Legislature should there be a flood of such “appeals” shortly after the adoption of the processes.

We suggest as an alternative approach the following reasonable and far more routine three step process.

DCOM would be responsible for the initial review of a proposed district plan or plan revision, and would issue a staff recommendation based upon that review. If a positive recommendation is rendered, it is forwarded to the DNR Commissioner for sign-off. If all or part of a proposed plan is disapproved by DCOM, staff must provide a written explanation of the reasons for disapproval with suggested alternate language where they believe that disapproved policies can be made approvable. The district then would have the option of agreeing with the alternate language. If it agrees, a positive recommendation is forwarded to the Commissioner for sign-off. If the district does not agree to the alternate language, it then may seek Commissioner reconsideration of the staff recommendation, with the option of a reconsideration meeting at the district's request. If agreement can be reached with reconsideration, again, the Commissioner would sign off on a positive recommendation. With each of the three paths that lead to Commissioner sign-off, the plan then goes to the CBP for review and presumably, non-controversial, approval. If there is no agreement after the reconsideration step, then a full review is conducted and decision rendered by the CPB.

### **Habitat Standard**

It is of significant concern to the Borough and other districts that the proposed Habitats Standard does not restore the coverage of uplands that was removed in 2004. Activities within uplands can clearly have effects on coastal resources and uses, and must be captured with the ACMP. In addition, “important habitat” has been eliminated as a specific category subject to coverage. It ought to be returned, or DCOM must indicate with greater specificity that the range of habitats covered by the program has in no way been diminished by elimination of this category.

We are pleased that the “three-part test” has been restored to the standard (i.e., a demonstration that significant public need exists, that no feasible and prudent alternatives are available, and that there is maximum conformance with the standard). The absence of the former fundamental requirement to “maintain or enhance” habitat characteristics compromises the effectiveness the standard. This requirement has been a critical part of the standard because it brought the applicant, agencies, and districts together when there was the potential for significant effects to habitat. Projects that did not maintain or enhance habitat could proceed if they met the three-part test. Removing the trigger for the process weakens the process. We understand that some agencies and applicants experienced practical difficulties in implementing the “maintain or enhance” requirement.

If DNR opts to eliminate the requirement without replacing it with another that sets a reasonably high bar for compliance, the program will have lost an important and proven mechanism for conflict resolution.

### **OCS Lease Sale Reviews**

The ability to influence federal decisions and exert some control over federal activities was a primary reason for state participation in the federal coastal zone management program defined by the Coastal Zone Management Act (CZMA). Because federal activities and federally permitted activities must meet state and district enforceable policies, the CZMA provided the state with a powerful tool to influence federal decisions. One of the activities of most concern to the Alaska Legislature was the oil and gas lease sales offering federal tracts on the outer continental shelf (OCS).

It is a matter of states rights and common sense given the magnitude of Alaskans' concern over such activities, the rapidly changing offshore environment, and the unpredictability of economic drivers, that the State take every available opportunity to separately review all OCS oil and gas lease sales for consistency under the ACMP. It has greatly troubled the Borough, the subsistence whaling captains, crews, families, and other residents we represent, that the State of Alaska has in the recent past voluntarily relinquished its right, and that of affected communities, to influence OCS oil and gas lease sales. In so doing, the State has diminished the role of Alaska's municipalities during ACMP reviews of OCS activities.

DNR has taken the position that the decision to include multiple OCS lease sales within a single "project", and therefore a single consistency determination rests with the Minerals Management Service. Somewhat inconsistently, DNR has also taken the position that for multiple lease sales reviewed under a single ACMP consistency review with which the State has concurred, the State's concurrence and consistency response applies to all lease sales reviewed within that "project".

We have responded that the DNR position ignores the desires of affected coastal communities and denies them the ability to contribute the valuable expertise they have historically brought to such reviews. It rejects the willingness of the responsible federal agency, the Minerals Management Service (MMS), to submit its individual sales to full and separate ACMP reviews. It was a shock when, in January 2005, DNR cancelled its consistency review of Beaufort Sea OCS Lease Sale 195 after comments had been solicited and received from the Borough, the Alaska Eskimo Whaling Commission, and others. The cancellation was based on the assertion that the proposed sale was essentially identical to a previously reviewed sale. The position was advanced by DNR despite MMS' submission of a separate consistency determination for Sale 195 and assurance given in the associated multiple-sale environmental impact statement that a separate consistency review would and should be conducted for each of the sales covered by the document. In short, without any requirement that it do so under federal law, and contrary to the position of the affected federal agency, DNR had acted upon a self-limiting

interpretation of its own regulations to deny the state and its affected coastal districts and communities a clear, valuable, and available opportunity to review federal oil and gas lease sales.

We ask, as we have before, that the State recognize the absurdity and limitations of this position, and seize every opportunity for its agencies and affected coastal districts and communities to subject every individual OCS lease sale to a full and separate ACMP consistency review. It is critical to the North Slope Borough, other districts and communities, and many other stakeholders, that the State clearly specifies in the ACMP that all OCS lease sales will be subjected to separate consistency reviews.

## **CONCLUSION**

The Coastal Zone Management Act created a unique regulatory scheme that yields a measure of federal authority to states that agree to participate in a coordinated system of coastal management through the adoption of state programs that include certain required elements. Upon passage of the Alaska Coastal Management Act in 1977 and in related actions shortly thereafter, our state Legislature made certain findings and set forth clear objectives and policies intended to guide further refinement and implementation of the ACMP. The rationale for the Legislature's bold action, and the findings, objectives, and policies it expressed apply as much today as they did some 30 years ago. As unique as the federal program is as applied across the nation, the concepts it embodies are perhaps a best fit here in Alaska among all of the participating states. Clearly, no other state can match the sheer size of Alaska's coastal zone, length of shoreline, and diversity of coastal uses and resources. In no other coastal state is so much land and water under the control of the federal government. In no other coastal state is there such an opportunity to learn from the lack of planning and other mistakes made elsewhere. In no other state are there so many coastal communities and their residents who depend so directly upon such diverse coastal resources and uses for their sustenance, and their economic, cultural, and even spiritual well being. No other state has such a thriving Native population that has for unbroken centuries so intimately identified itself with the harvest and use of coastal resources.

The ACMP was crafted to take advantage of a unique national program. It recognizes the qualities that make Alaska unique, and was thoughtfully designed to provide a central and expansive role for our diverse communities in the management of impacts to their coastal areas. The great majority of Alaskans reside in coastal communities. Among those communities, Anchorage is a sizable city. The rest are, for the most part, small towns. Very few of us in those small towns, and I'd wager few Anchorage residents, would want to live anywhere else. We value our communities precisely because they are special, and our state because it has always embraced the diversity that makes us different than the rest of the country. We hope this Administration, and this Governor, who has spoken so forcefully about the values generated in small towns, will respect the right of Alaska's coastal communities to have a meaningful say in their own futures. Changing the ACMP as DCOM currently proposes would be one more step toward making the program like

Randy Bates  
December 22, 2008  
Page 12

other one-size-fits-all regulatory systems. The end result in the long term may just be that we find our state that much more like the rest of the country. I ask that we work together to prevent that from happening.

Time is short if we are going to succeed in fixing what is wrong with the program. It is critical if there is to be a reasonable chance of success, as you have said, that we try to reach agreement on key elements of the bill that is to be presented to the Legislature in just a few short weeks. I strongly suggest that during that time DCOM meet again with district representatives to let us know where we stand based on the discussions in early December and after comments have been weighed. As your partners in the ACMP, it would seem an unlikely path to consensus if we districts find ourselves being briefed on the Administration's bill for the first time after it has been filed.

I do greatly appreciate the work that you and your staff have put into this reevaluation effort, and look forward to a result we can all be proud of. I believe that together we can reach agreement on a program that meets the needs of all parties; districts, agencies, applicants, and the public alike.

Sincerely,

A handwritten signature in blue ink, appearing to read "Edward S. Itta", with a long horizontal flourish extending to the right.

Edward S. Itta  
Mayor